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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
S202-USA

First named inventor: Robert Greenberg

Application No.: 10/627,260

Art Unit: 3762

Filed: July 24, 2003

Examiner:

Title: SURGICAL TOOL FOR ELECTRODE IMPLANTATION

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of Reply (identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

05/04/2006 TBESHAH1 00000013 500922 10027260

B. The issue fee and publication fee (if applicable) of \$ 01 FC:2453 750.00 DA

- ☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Tomas Lendvai

Signature

April 27, 2006

Date

Tomas Lendvai, Ph.D.

Typed or printed name

57,488

Registration Number, if applicable

Second Sight Medical Products, Inc.

Address

818-833-5072

Telephone Number

12744 San Fernando Rd., Sylmar, CA 91432

Address

Enclosures: ☐ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Fee Transmittal for \$65 Missing Parts Surcharge (Small Entity)

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

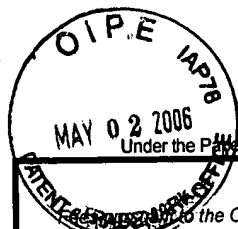
April 27, 2006

Date

Deanna Fintz

Signature

Typed or printed name of person signing certificate



PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/8/2004.

FEE TRANSMITTAL
For FY 2005**Complete if Known**

<input checked="" type="checkbox"/> Applicant Claims small entity status. See 37 CFR 1.27	Application Number	10/627,260
TOTAL AMOUNT OF PAYMENT	Filing Date	7/24/2003
(\$ 815.00)	First Named Inventor	Robert Greenberg
	Examiner Name	
	Art Unit	3762
	Attorney Docket No.	S202-USA

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 50-0922 Deposit Account Name: Second Sight Medical Products, Inc.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charges fee(s) indicated below, except for the filing fee

☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	
Utility	300	150	500	250	200	100	\$ 0
Design	200	100	100	50	130	65	0
Plant	200	100	300	150	160	80	0
Reissue	300	150	500	250	600	300	0
Provisional	200	100	0	0	0	0	0

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
0	- 20 or HP = 0	x \$25.00	= \$ 0.00			
HP = highest number of total claims paid for, if greater than 20				\$180.00		0

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
0	- 3 or HP = 0	x \$100.00	= \$ 0.00

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41 (a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
0	- 100 = 0	/50 = 0 (round up to a whole number)	x \$125.00	= \$ 0.00

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)	0
Other: \$65 Missing Parts Surcharge (Small Entity) \$750 Petition for Revival Fee	\$815.00

SUBMITTED BY

Signature	<i>Tomas Lendvai</i>	Registration No. 57,488 (Attorney/Agent)	Telephone (818) 833-5072
Name (Print/Type)	Tomas Lendvai, Ph.D.		Date <i>April 27, 2006</i>

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Robert Greenberg et al.	Art Unit:	3762
Application No.:	10/627,260	Examiner:	
Filed:	July 24, 2003	Confirmation No.:	7590
Docket No.:	S202-USA		
Customer No.:	28284		
For: SURGICAL TOOL FOR ELECTRODE IMPLANTATION			

Mail Stop PETITION
U.S. Patent and Trademark Office
Commissioner for Patents
P. O. Box 1450
Alexandria VA 22313-1450

I hereby certify that this correspondence is being
deposited via First Class mail to the U. S. Patent
and Trademark Office on: April 27, 2006


Deanna Firtz

LETTER IN RESPONSE TO NOTICE TO FILE
MISSING PARTS OF APPLICATION

Dear Sir:

In response to the Notice to File Missing Parts of Application dated October 21, 2003,
enclosed are:

1. Copy of Notice to File Missing Parts of Application.
2. Executed Declaration and Power of Attorney.

The Commissioner is hereby authorized to charge the Surcharge Fee of \$65.00 (Small Entity) and any fees under 37 CFR 1.16 and 1.17 which may be required during the **pendency**

Application No. 10/627,260

of this application to Deposit Account No. 50-0992. Please show our docket number with any charge or credit to our Deposit Account.

Respectfully submitted,

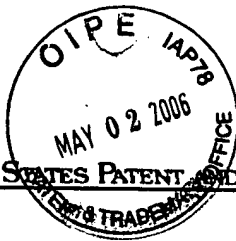
April 27, 2006
Date

By: Tomas Lendvai
Tomas Lendvai, Ph.D.
Reg. No. 57,488

Second Sight Medical Products, Inc.
12744 San Fernando Road
Building 3
Sylmar CA 91342
Phone (818) 833-5072
Fax (818) 833-5080

TLV/dlf

Enclosures: As Noted Above



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/627,260	07/24/2003	Robert Greenberg	S202-USA

Second Sight, LLC
12744 San Fernando Road Building 3
Sylmar, CA 91342

CONFIRMATION NO. 7590

FORMALITIES LETTER



OC000000011073452

Date Mailed: 10/21/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:
Robert Greenberg
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

05/04/2006 TBESHAH1 00000013 500922 10627260
02 FC:2051 65.00 DA

A copy of this notice MUST be returned with the reply.

USPTO
TO: Denise COMPANY:

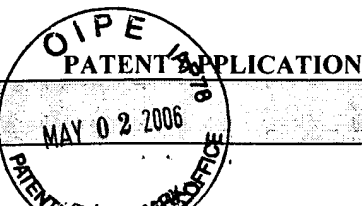
3/24/2005 12:48 PM PAGE 3/003 Fax Server

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART I - ATTORNEY/APPLICANT COPY

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**



ATTORNEY DOCKET NO. S202-USA

As a below named inventor, I hereby declare that:

My residence/post office address and citizenship are as stated below to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Surgical Tool for Electrode Implantation

the specification of which is attached hereto unless the following box is checked:

- (x) was filed on July 24, 2003 as US Application Serial No. or PCT International Application
Number 10/627260 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose all information which is material to patentability as defined in 37 CFR 1.56.

Foreign Application(s) and/or Claim of Foreign Priority

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 of any foreign application(s) for patent or inventor(s) certificate listed below and have also identified below any foreign application for patent or inventor(s) certificate having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NUMBER	DATE FILED	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			YES: _____ NO: _____
			YES: _____ NO: _____

Provisional Application

I hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below:

APPLICATION SERIAL NUMBER	FILING DATE
60/399012	7/26/2002

U.S. Priority Claim

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NUMBER	FILING DATE	STATUS(patented/pending/abandoned)

POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) listed below to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Scott B. Dunbar, Reg. No. 37124

Gary D. Schnittgrund, Reg. No. 42,130

Send Correspondence to: Scott B. Dunbar Second Sight Medical Products, Inc. 12744 San Fernando Road Building 3 Sylmar, CA 91342	Direct Telephone Calls To: Scott B. Dunbar (818) 833-5055
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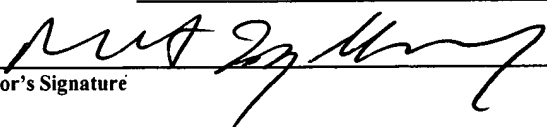
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: Robert Greenberg

Citizenship: United States

Residence: 2431 Wild Oak Drive, Los Angeles, California 90068 USA

Post Office Address: Same


Inventor's Signature

12/3/04
Date

Full Name of Inventor: Da-Yu Chang

Citizenship: Taiwan

Residence: 18559 Stonegate Lane, Rowland Heights, CA 91748

Post Office Address: Same

Da-Yu Chang
Inventor's Signature

12, 3, 024
Date

Full Name of Inventor: _____

Citizenship: _____

Residence: _____

Post Office Address: _____

Inventor's Signature

Date

Full Name of Inventor: _____

Citizenship: _____

Residence: _____

Post Office Address: _____

Inventor's Signature

Date

Full Name of Inventor: _____

Citizenship: _____

Residence: _____

Post Office Address: _____

Inventor's Signature

Date

Full Name of Inventor: _____

Citizenship: _____

Residence: _____

Post Office Address: _____

Inventor's Signature

Date